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Legalisation of cannabis in Copenhagen

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RESUME

Denne afhandling udspringer af en interesse for hvordan vi kan forstå regeringens blanke afvisning af et statskontrolleret legaliseringsforsøg af hash i Københavns Kommune, til trods for at nyere forskning indikerer, at der er behov for nye strategier til at mindske de skadelige effekter af hash, og yderligere fastslår, at hash er mindre skadeligt end alkohol.

For at give svar på dette spørgsmål foretages der i afhandlingen en analyse af, hvilke rationaler der har gjort sig gældende for henholdsvis forslaget og afvisningen af legaliseringsforsøget i Københavns Kommune, og af hvordan afslaget kan forstås i en historisk og social kontekst gennem disse rationaler.

Afhandlingen tager udgangspunkt i Københavns Kommunes legaliseringsforslag, som et case-studie. Der er således inddraget empiri i form af politiske dokumenter, interviews og offentlige debatter. I gennem en diskursanalyse er der afgrænset fire argumenter i den politiske proces for og i mod legaliseringsforslaget: legalisering som kriminalitetsforebyggende, legalisering som sundhedsfremmende, legalisering som moralsk forkasteligt og afslutningsvis, legalisering som sundhedsskadeligt.

Gennem analysen fastslås det, at historiske og sociale faktorer spiller en væsentlig rolle i udformningen af dansk narkotikapolitik, og at det i særdeleshed er de internationale diskurser, der italesætter legalisering som sundhedsskadeligt og moralsk forkasteligt, som er de herskende. Yderligere er det gennem analysen vist, at tilsyneladende faktuelle argumenter på afslagssiden ofte dækker over moralsk afstandstagen, idet meget af den nyere evidens modsiges eller ignoreres. Til trods for, at de internationale diskurser har influeret dansk narkotikapolitik gennem tiden, har Danmark dog været i stand til at udforme sin egen forholdsvis liberale narkotikapolitik. Det er kun gennem det sidste årti, at Danmark har valgt at følge den internationale linje, fordi det har været i tråd med den ønskede politiske ændring.

Afhandlingen konkluderer, at den danske regering har valgt at læne sig op ad den internationale herskende diskurs, og at Københavns Kommunes legaliseringsforslag udfordrer den nuværende politiske linje ved at sætte spørgsmålstegn ved denne. Yderligere, at regeringens narkotikapolitik kun har været implementeret i et årti, og derfor ikke nødvendigvis har vundet indpas i hele det danske samfund - og at der dermed stadig kan være rum for at skabe nye strategier til at tackle narkotikaområdet.

1. THE THESIS' BACKGROUND

1.1 Introduction and research question

Denmark has been known for its relatively liberal drug policy - especially in comparison with the other Nordic countries which have been known for their strict drug policy (Houborg, 2011 and Laursen & Jepsen, 2002). This liberal drug policy, however, has been challenged since the 2000s. From that period Denmark introduced a remarkable shift of its drug policy by implementing a zero tolerance policy. In 2004 the Danish government passed a legislation for penalising the possession of cannabis - and other drugs - for own usage in order to tighten the whole drug policy in different levels of control. The tightening of the cannabis policy was in particular a centre of attention as a large part of the population was using the drug and the availability was high (Sundhedsstyrelsen, 2011) . The cannabis tightening has been very persistent and has resulted in two developments. Firstly, the attempt to close Pusher Street in the Free State Christiania. Pusher Street is a part of Christiania “where cannabis was sold openly from small outdoor stalls” (Frank, 2008, p. 29). Secondly, the introduction of the 'Hash-club Law' in 2001. The objective of the 'Hash-club Law' was to close down cannabis clubs in especially Copenhagen in order to minimise the availability of cannabis in the capital and around the country (Frank, 2008).

The attempts to close Pusher Street and the hash-clubs have, however, not decreased the availability of cannabis in Copenhagen. According to police and authorities (Frank, 2008), the cannabis sale has been spread to the streets of Copenhagen as a consequence of the tightening. This 'relocation' of the cannabis market has increasingly led to more gang-related violence as criminals fight for ownership of the cannabis market. This gang-related violence, like shootings in the streets in broad daylight, took mainly place in Copenhagen, because Copenhagen was the main scene for the change in the cannabis policy (Møller, 2006). Due to these negative developments, the Copenhagen Council needed to react.

In 2008/2009 the Copenhagen Council addressed the government and requested for the legalisation of parts of the cannabis market in Copenhagen. The Danish government never got back to this request. Nonetheless, via the publication *Fight*

against Drugs¹ (2010), the government's standpoint was still very clear. The government explicitly declared that no legalisation of cannabis could be accepted.

In 2011 the Copenhagen Council addressed the government once more, because after the election of 15 September 2012 a new government was installed. With this new government, Denmark started a political shift from a right wing - to a central left government. With this in mind, the Copenhagen Council presented a legalisation proposal as an experiment. The government, however, quickly rejected the proposal without further investigations.

This thesis aims at analysing the latest proposal on the legalisation of cannabis raised by the Copenhagen Council. This analysis will then result in an understanding of the political background for the proposal, the reason for rejecting the proposal and the subsequent debate on the proposal. This will eventually lead to an understanding of the government's firm rejection, because new knowledge strongly challenges the zero tolerance policy in particular in relation to cannabis. This new knowledge indicates, among other things, that cannabis should not be labelled as more dangerous than alcohol. Therefore, the benefits of a prohibition strategy towards cannabis is strongly questioned (BBC, 2010 , Global Commission on Drug Policy , 2011 and Nutt *et al.*, 2007).

The above considerations lead to the following two-parted research questions:

1. *Which rationalities can be detected in the proposal and the rejection of the cannabis legalisation experiment in Copenhagen Council?*
2. *How can these rationalities be understood in a historical and social context in order to understand the rejection of the cannabis experiment?*

I have chosen to conduct an in-depth analysis – based on a qualitative empirical case study – of the Copenhagen Council's main argumentations for the cannabis legalisation and the governments' main argumentations against the cannabis

¹ Translated from the original title: Kampen mod narko. An action plan for the strategy towards drugs in Denmark

legalisation. Through this I can identify the political process and the focus of the Danish drug policy regarding legalisation of cannabis. The analysis will be put in a historical and social context in order to gain understanding of which argumentation is part of today's Danish drug policy. Chapter two will further elaborate on the methodical foundation of this thesis. The following sub-chapter highlights the thesis' theoretical framework.

In this thesis the term *cannabis* covers all cannabis related products. The term *legalisation* covers the proposal raised by the Copenhagen Council and not the total legalisation of the cannabis area.

1.2 The theoretical framework

Drug policy is the field of this thesis and the thesis is an analysis of the political, historical and social elements that influence how a specific drug policy is shaped. Therefore, I will start presenting a brief review of the central themes and conflicts within drug policy in general before introducing the analysis for this thesis in the following methodical chapter. The analysis is conducted through a social constructionist way and it primarily will be based on the theory of discourses led by Jørgensen and Phillips (1999). However, the theory of discourses will not be followed in its purest form in the analysis. This means, that other theories will be included when applicable in order to gain a more extensive understanding of the research question.

1.3 Drug policy as a research field

Midgley and Livermore (2009) argue that governments influence human welfare by rolling out initiatives that improve the different layers within social welfare. One of these initiatives is social legalisation and its shaping of drug policy.

McAllister (2000) argues that drug policy is a complex matter because it is an intersection between social, physical, economic, criminal, psychical perspectives both on an individual and social level. This complicates the policymaking of considered drug policies because it requires great collaboration and an in-depth knowledge or understanding of all the different intersections.

Faupel *et al.* (2010) argue that drug policy is often based on historical influence and morality. Therefore, history also plays a significant role in the shaping of drug policies in general and the legalisation of substances in particular. The question whether it is legal or not has been coincidental in many ways (Faupel, *et al.* 2010 and O'Malley & Mugford, 1994). As a result, Faupel *et al.* (2010) believe that history and morality have resulted in inefficient and none-evidence based drug policies.

Drug policy embraces many different - and at times conflicting – elements such as drug control, treatment, prevention and harm reduction. As a result, strategies often conflict. For example, the control strategies and the social welfare-oriented strategies often have split interest. This results in different aims from different stakeholders making it problematic to agree on a common drug policy. Additionally, international, national and local interests do influence the drug policy (Frank, 2008).

Gill Walt, Professor in Public Health, describes the complexity of shaping a policy. Walt identifies different stages that help clarifying the policy process. Walt (1994) argues that the complexity of social legalisation is better understood if there is a shared acceptance of a framework that can clarify the process. Walt refers to four stages in the policy making process: 1. Policy identification and issue recognition, 2. Policy formulation, 3. Policy implementation and 4. Policy evaluation. These four stages will be applied throughout the thesis in order to understand the process of shaping the Danish Drugs Policy.

The stakeholders of the thesis will mainly consist of politicians and their roles in the shaping of a new drug policy, because the objective of the thesis places itself in between the policy formulations and the implementation of the policy. As a result, I have analysed public accessible political material and interviewed the Social Mayor of the Copenhagen Council, Mikkel Warming, and the newly retired Chief Social Doctor from the Copenhagen Council, Peter Ege.

1.5 Construction of the thesis

Chapter two describes the thesis' methodical considerations. This chapter further elaborates on the literature review of public accessible political material, the

conducted interviews as well as the theory on discourses as an analytical tool. This analysis of discourses is executed on a national and local level, however, with an international stakeholder as a silent partner. Chapter three and four is a critical review that provides a concise and accurate overview of all substantive as well as methodological material that appears relevant to the topic. The aim of these chapters is to chart the body of knowledge and connect this to the in-depth analysis. The body of knowledge consists of an account of the proposal and a historical exposition both on an international and national level. Chapter five describes the discourses located in the political material. Chapter six elaborates on the analysis of the discourses. The final chapter, chapter seven, sums up the research question with the main conclusion.

2. METHODOICAL CONSIDERATIONS

2.1 The intentions and premises of discourse theory

Discourse theory is one among many theories within the social constructionist field that contains a collection of theories on culture and society. Nonetheless, many other theories have shared characteristics with this theory without naming it the same.

Discourse theory claims that all objects and actions have a meaning. In this respect the focus of discourse theory is to discover how this meaning is created in the way we speak of and interact with the world. The discourse theory has a constructivist view on the world and engages in how we consciously or unconsciously add meaning to the phenomena's and events we are confronted with. This means that the world we live in is not necessarily a picture of the 'true world' as it will always be a social and discursive expounding of the world (Jørgensen & Phillips, 1999).

In order to use the social constructionist theories, whereupon discourse theory evolves from, four premises must be accepted. Firstly, social constructionist analysis require a sceptical view on the knowledge we have collected throughout history. The constructionist view is on the basis of 'nothing can be taken for granted' and there is no objective truth. Secondly, we construct our understanding of the world within a specific social setting shaped by interactions and culture. Through these interactions knowledge is obtained and the shared accepted truths follow. Thirdly, the regimes of knowledge – in which we live in – will affect our social actions, because our conception of the truth and knowledge is based on these regimes. The knowledge we construct through the regimes we belong to therefore ends up effecting our social actions. Fourthly, and lastly, the social constructionist theories are historically and culturally founded. This means that humans are contingent elements in history and we will be influenced over time (Jørgensen & Phillips, 1999).

2.2 Discourse theory in this research

Foucault was one of the first who kick-started the usage of the discourse analysis through the 1960's and 70s. He became an inspiration source for his followers as he

further developed theories and terms throughout empirical investigations. Foucault argued that a discourse is an amount of statements that is accepted as true in a particular group or social forum. In Danish drug policy, for example, there was a main articulations for many years that users of cannabis were rather *innocent victims*. However, this main articulation changed over time along with a political shift towards looking upon cannabis users as *rational players* who support the illegal market (Jepsen, 2008). The later statement is now to a bigger extend accepted as the 'truth' in the Danish society in general and the Danish government specifically. Foucault, however, believed that the correlation between discursive and non-discursive practises constantly questions the ruling discourse as there is no final truth. The 'truth' is therefore something that is created discursively (Jørgensen & Phillips, 1999). That means that a main articulation of cannabis users as rational players who support the illegal market constantly need to fight for its existence as it will always be questioned by competing discourses and non-discursive practises. This is what happen when the Copenhagen Council proposes a legalisation and thereby articulates a different view of cannabis users as a more accepted part of the Danish society.

The two political theorists Ernesto Laclau and Chantal Mouffe elaborate on Foucault's theory and argue that there is always more than one discourse at stake in society and that different discourses can easily live along each other. However, sometimes different discourses create a conflict. A conflict in discourse theory is described as an antagonism and is located where discourses collide. However, different discourses do not necessarily create an antagonism. Sometimes different discourses can exist at the same time without creating an antagonism if they do not directly challenge each other. Nonetheless, different discourses sometimes stand in a competing relationship when they try to establish 'truths' that exclude the 'truth' of the opposing discourse as demonstrated with the articulation of cannabis users as innocent victims or rational players. These discourses will then be in an antagonistic relationship and may mutually try to obstruct the competing discourse (Jørgensen & Phillips, 1999).

Antagonism is solved through a hegemonic intervention. *Hegemony* appears when a

crisis or conflict is solved by establishing a ruling discourse that suppresses the existing possibilities. In that way it creates unambiguity – hegemony. A *hegemonic intervention* is therefore the process that evolves when a crisis between competing discourses requires it (Jørgensen & Phillips, 1999). This may be seen in the main articulation of cannabis users that went from innocent victims to rational players. These two articulations cannot live alongside as they are in a competing relationship. The result is therefore hegemony in which one of the competing discourses is established as the 'truth', in this case the new articulation of cannabis users as rational players.

“ 'The hegemonic intervention' is then a process in an antagonistic terrain, and the 'discourse' is the result: the new standstill of the meaning.” (Jørgensen & Phillips, 1999: 61)

The theory on antagonistic and hegemonic discourses will be an essential part of this thesis. In the thesis I will demonstrate that there is more than one discourse that live alongside the other and fight over the right to survive. The intention of this analysis is to demonstrate that the discourses the Copenhagen Council uses in their proposal is in an antagonistic relationship with those discourses that the Danish government uses in its rejection. The Copenhagen Council's proposal is not only in an antagonistic relationship with the Danish government political line, but the proposal also questions a strong hegemonic discourse that has been established for decades.

The discourse analytics role is not to discover the truth behind a particular discourse as the truth cannot be reached. Therefore, it is the discourse in itself that is considered the item of analysis. It is the analytic's assignment to investigate the patterns in the different statements and to analyse which consequences the discourse have for the way we look upon 'reality' (Jørgensen & Phillips, 1999). The thesis focuses on how discourses reveal themselves in the political argumentation regarding legalisation as political argumentation, according to Laclau and Mouffe, is essential in determining how we as a society act and think and how we thereby create our society. They claim that the political process is the most important factor in discourse theory as political statements set the overall discourses in society (Jørgensen & Phillips, 1999).

In the thesis I analyse the patterns which I have located in the political process of the

possible acceptance and actual rejection of the Copenhagen Council's legalisation proposal (in Chapter 3 and 4). From these patterns I determine the various discourses (in Chapter 5) which then will be analysed (in Chapter 6).

2.3 Case study and interviews

I have conducted a case study based on the Copenhagen Council's latest proposal for the legalisation of cannabis as an experiment. By including this case, this thesis shows how the Danish drug policy on the cannabis legalisation issue has evolved. The thesis is therefore based on a concrete up-to-date political and public debate about the legalisation of cannabis in Denmark. By linking the case study to the different patterns of discourses, the thesis is more narrow and restricted. In addition, I have located and analysed the available political material from the period of the first proposal in 2008/09 to the second proposal in 2012. These materials were available through the official websites of the Copenhagen Council and the Danish Parliament.

I have conducted interviews with key persons for and against the latest proposal. These interviews were required to gain a better understanding of the applied reasoning, because the knowledge and experiences embedded by these key persons were not necessarily captured in official documents. The outcomes of the interviews with key persons therefore helped me to get more practical information regarding the process.

I carried out an interview with the Mayor of Social Affairs from the Copenhagen Council, Mikkel Warming, on 9 October 2012. I also conducted an interview with the newly retired Chief Social Doctor from the Copenhagen Council, Peter Ege, because he was the key person behind the development of the legalisation proposal back in 2008/09 and he has been active throughout the whole process since. This interview was carried out on 15 October 2012. Furthermore, I contacted the Minister of Justice from the Danish Parliament, Morten Bødskov, because he was the key person in the rejection process of the legalisation proposal. It was, however, not possible to get an interview with him. Therefore I contacted Mogens Lønborg and two other politicians from the Conservative Party at the Copenhagen Council, but neither one of them was interested in an interview. As a result, I could not conduct an interview with someone

from the rejection side.

The completed interviews were conducted as semi-structured. The interview with Mikkel Warming was not taped, but noted (see appendix A) and the interview with Peter Ege was taped and transcribed (see appendix B). The transcribed interview does not distinguish between long and short breaks in sentences, because the purpose of the interview was about understanding the considerations regarding a possible acceptance and an actual rejection of the proposal.

2.4 Gathering of theoretical and empirical data

As mentioned in chapter 2.1 and 2.2 I have chosen to conduct a discourse analysis. I have chosen this method because discourse analysis highlight the main issues for a legalisation proposal as well as the rejection of it. However, it is recognised that this method does not encounter all aspects and dilemmas of the legalisation issues. For example, the thesis does not encounter statistical data indicating the likelihood of whether or not the experiment can obtain its objectives. This, however, is not my main focus point and therefore I have chosen a discourse analysis with a historical and political focus.

I have conducted several steps in order to gather theoretical and empirical data. Firstly, I managed to elaborate on the subject by using material from existing literature on – and around – this subject. Secondly, I have located which authors, narrow subjects and key words reappeared in the materials as well as the connected references. Thirdly, I have added public television shows, radio shows and newspaper articles to the empirical material. These secondary empirical data have been selected within a timeframe that has been in interest of this research *e.g.* the timeframe around the first and the second proposal of the legalisation proposal. Fourthly, and finally, I have received access to statistical data and insiders information during my internship at the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). These steps have enabled me to locate the central material within the area of the thesis – a precondition for the analysis and data collection.

I have categorised and analysed the statements from the different stakeholders from

all theoretical and empirical material. Through this exercise I could detect patterns and establish the discourses for the analysis.

2.5 Limitations of the research design

This thesis focuses on the analysis of the discourses in the political process regarding the cannabis proposal since the first proposal in 2008/09 raised by the Copenhagen Council until this date. This thesis, however, will not take previous proposals of similar characteristic into consideration. However, in order to capture the historical perspective in the analysis, the thesis will draw on some brief references about the legalisation issue of cannabis as published in *The Fight against Drugs* (2003).

As described in chapter 2.4, this thesis will not focus on statistical data. Furthermore, the thesis will mainly focus on the policymakers. This might be a limitations as it is recognised that there are also other influential stakeholders that have influenced the process. Some of these stakeholders will be included, however, the main focus of this thesis is the political process.

The process of defining the legalisation is still continuing. This makes it difficult to be completely up-to-date and to include all relevant perspectives.

Finally, I have focused on the social political angle in a historical and social context. As a result, I have excluded, among other things, the economic calculations and data regarding the likelihood of which cannabis policy is most beneficial.

3. THE PROPOSAL AND THE REJECTION

In the end of December 2011 the Mayor of Social Affairs Mikkel Warming (2012a) from the Copenhagen Council stated in an interview that, as an experiment, he wanted to legalise cannabis in state-regulated coffee shops in the Copenhagen Community. In January 2012 Warming (2012b) addressed an official letter to the Minister of Justice within the Danish Parliament requesting the necessary legal changes in order to conduct the coffee shop experiment. In May 2012 the Minister of Justice Morten Bødskov (2012) replied the request negatively.

The following chapter describes the background and the setup with its main objectives for the experiment. Furthermore, it describes the process prior to the rejection.

3.1 Sequence of events

The 2011/12 proposal is a follow-up of a similar proposal raised by the Copenhagen Council back in 2008/09 (Ege, 2012). As a result, the 2011/12 proposal is in many ways an elaboration of the proposal raised in 2008/09. The proposals can therefore not be distinguished from one another.

After the increase of gang violence in the streets of Copenhagen, the politicians from the Copenhagen Council started discussing new strategies for its drug policy. They claimed that the zero tolerance strategy had failed, because it created a shift in the ownership over the cannabis market. They therefore wanted to reduce the gang related crime and make Copenhagen safer by redefining the drug policy (Warming, 2012a).

In 2008/09 the Copenhagen Council proposed the government to conduct an experiment legalising cannabis in a similar model as the Swedish alcohol system (Ege, 2012). The Copenhagen Council never received an answer from – at that time – the ruling government. The same government, however, published a publication *Fight against Drugs II* (2010). In this publication it explicitly stressed out that the

government did not want to legalise cannabis in any form. After this indirect rejection, the Copenhagen Council decided to raise the matter of legalising cannabis in Copenhagen once again. This happened in 2011 as this was the year in which Denmark installed a new government with a new political arrangement. The proposal was now more similar to the Dutch model. Shortly after reaching out the new government, Warming received a negative answer.

3.2 The purpose and the process of the cannabis experiment

The Copenhagen Council argues that the experiment to legalise cannabis will allow them to obtain new knowledge about the effects of a legal cannabis market which is important for future cannabis debates and future decision making (Socialforvaltningen, 2012a). Furthermore, Socialforvaltningen (2012a) argues that science has proven that the damaging effects of cannabis are fewer than alcohol. It is therefore reasonable to experiment with legal cannabis as alcohol is a legal substance. Socialforvaltningen (2012b) underlines that it is of great importance to understand that the Copenhagen Council's background is to limit the damaging effects by cannabis usage seen through an individual and social perspective hereunder reducing the crime that is connected to the cannabis market.

The Copenhagen Council proposes a three-year local experiment in Copenhagen with state-regulated coffee shops (Socialforvaltningen, 2012b and Warming, 2012a). It is estimated by the Copenhagen Council that the best way to manage coffee shops is at local official sites similar to the Dutch model. Additionally, it is estimated that these official sites should fairly compete with the illegal market. That's why broad opening hours is needed. For the same reason the Copenhagen Council does not neither find pharmacies nor doctors suited for the task. A minimum age for cannabis purchases should be determined, which should encounter the competition from the illegal market. This means that the minimum age should not be too high nor too low. However, the Copenhagen Council wants to distinguish themselves from the Dutch model by including all parts connected with a legal cannabis market. This means that it will be managing the growth, import, purchase and the sale of cannabis (Socialforvaltningen, 2012a).

According to Socialforvaltningen (2012a, p. 1) the main objectives of the experiment is to :

1. Have a positive effect on reducing consumption and particular addiction caused by cannabis;
2. Create a platform with broader and better public information about the damaging effects of cannabis;
3. Create a better and earlier intervention between the cannabis misuser and the treatment system;
4. Reduce the bridge between cannabis and harder drugs, and;
5. Reduce organised crime in particular violent gang crime

3.3 The rejection and argumentation

In May 2012 the Minister of Justice replied to the request from the Copenhagen Council. In his letter (Bødskov, 2012) to the Mayor of Social Affairs from the Copenhagen Council, the Minister referred to a discussion with the Minister of Health and that based on this discussion they agreed that “the answer to the request would be no”.

The Minister of Justice (Bødskov, 2012) argued that the government is interested in fighting the cannabis sale and crime linked to it. However, the proposal by the Copenhagen Council raises questions regarding the current police efforts.

Furthermore, the Minister of Justice argued that cannabis is illegal due to a series of damaging effects by highlighting that a single time usage of cannabis can lead to psychiatric reactions, anxiety and panic attacks, and higher risk of accidents in traffic. Moreover, multiple usage of cannabis can lead to higher risk of lung cancer and psychiatric sicknesses as well as the constant reduction of intellectual, memory and functional skills. In particular children, adolescent and vulnerable adults will suffer from the negative consequences of cannabis usage. In order to make a case against the legalisation of cannabis, the Minister of Justice attached a document from the Minister of Health from 2009 describing the damaging effects of cannabis usage (Socialforvaltningen, 2009 and Sundhedsstyrelsen, 2009)

Based on these statements the Minister of Justice (Bødskov, 2012) concluded that the proposal raised by the Copenhagen Council would increase the availability of cannabis, which likely would increase the usage and, as a consequence, increase the number of the damaging effects.

The following chapter will present the cannabis policy in an international and national context in order to further understand the background of the current legalisation proposal.

4. CANNABIS POLICY

4.1 The international cannabis policy

The international focus on eliminating the spread of cannabis has mainly been pushed by the United States (U.S.). Known from other substances, control policies have mainly been the American way to tackle drug issues. In 1914 The Harrison Anti-Narcotic Act passed with severe punishments for trade with opium. Cannabis usage in the U.S. was first detected in the 1920s, but mainly spread in society in the mid 1930s. Shortly after, the federal bureaus started initiating investigations towards criminalising cannabis. However, the local U.S. States rejected their proposal mainly based on the assumption that cannabis usage was not problematic. Nonetheless, the federal bureaus convinced the U.S. Congress to pass The Marihuana Tax Act in 1937, which in many ways was comparable with the severe punishment methods as the Harrison Anti-Narcotic Act. One of the methods to reach the goal of the federal bureaus was a heavy publicity campaign in the medias describing all the horrifying episodes of violence caused by cannabis usage (Jepsen, 1966 and Faupel *et al.*, 2010).

As the global spread of cannabis and other substances evolved, the U.S. recognised that an international method to combat the usage of substances was needed. After decades of negotiations, the first United Nations (UN) Single Convention passed in 1961. This Convention was signed by 166 nations including Denmark. The Convention replaced all previous treaties and classified cannabis at List 1. List 1 represents the most serious and damaging substances such as heroine. Thus, cannabis was being classified the same as heroine. Succeeding the first UN Single Convention, the Convention on Psychotropic Substances passed and introduced in 1971 and the Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances in 1988. These three Conventions are today's foundation of the international drug policy (Bullington, 2004 and McAllister, 2000).

In addition to these Conventions, President Nixon used the phrase 'War on Drugs' in 1971. Since that time, the U.S. explicitly declared that drug abuse was 'public enemy no. one'. The objective of this 'campaign' was to fight the usage of all illegal

substances. By using these bold statements, the combat against all drugs including cannabis intensified. This combat, or the international War on Drugs, has been characterised by a stricter line of drug policy which started in the U.S. and later spread to Europe (Faupel, 2010).

4.2 The Danish response to cannabis usage

Cannabis usage was first recognised in Denmark - mainly in Copenhagen - in the 1950s. However, only a very few cases were detected. There was no remarkable usage of cannabis before the 1960s. Despite the relatively unknown usage of cannabis in Denmark at the time, Denmark however passed The Act on Euphoriant Drugs in 1955 and later signed the UN Conventions in order to comply with international standards towards drug policies. The Act on Euphoriant Drugs contained a List 1 with forbidden drugs which listed cannabis alongside heroine and opium. As a result, the possession of these illegal substances in Denmark became a criminal offence with the option of risking imprisonment (Houborg, 2010). In 1963 the Ministry of Health also declared that cannabis should be tackled through a tough legalisation by punishing both users and dealers (Jepsen, 1966).

4.3 Cannabis policy in the 1960s

In the midst of the 1960s the usage of cannabis changed significantly. A new group of substance users appeared. These users were primarily students and artists and represented the new hippie movement. The Danish government recognised that a large amount of the population started using cannabis. As a result, the Danish government initiated investigations into this particular substance group in order to gain more knowledge. Their conclusion was that the adolescent that developed a substance misuse had behavioural, psychological and social difficulties. The substance misuse was therefore only a part of their difficulties.

For the other group of substance users, the artist and students, it was concluded that the usage of illegal substances was an accepted part in their social life. Based on these foundations, the usage of substances could no longer be classified as a social aberrant

behaviour as usage of substances had become a big part of the new youth culture (Houborg, 2008 & 2010 and Laursen & Jepsen, 2002). The need for using substances in these new groups was therefore seen as part of the new social and cultural development that Denmark underwent. As a consequence, the government started reconsidering their political line which resulted in a debate regarding cannabis policy.

This debate was driven by, on one side, background figures and, on the other side, the rather innocent youngsters who used drugs. The government did not want to criminalise well functioning youngsters who occasionally used substances. This created a conflict between a 'soft' and a 'hard' line in drugs legalisation. The vocalisers for a softer line were worried that a tougher line would criminalise young drug users unnecessarily and that cannabis would be categorised with more dangerous drugs. However, after intensive debates, a compromise was reached: higher penalties to serious drug offences and drug professionals, but with a distinction between cannabis and harder drugs. In this period cannabis was no longer seen as a particular dangerous or harmful drug (Jepsen, 2008). As a consequence, the Danish government changed its cannabis policy in 1969. It de-penalized possession of all drugs including cannabis. This meant that the possession of drugs was still an illegal act, but it was not penalized. This shift in the Danish cannabis policy meant that users were considered a more equal member of the social welfare society and less a deviant criminal. The Danish government, however, implemented a range of tougher penalties for the dealers of substances.

This shift in the Danish drug policy highlighted that the usage of illegal substances should be tackled as a social problem rather than a criminal issue (Houborg *et al.*, 2008 & 2010, Manniche & Wolf, 1969 and Laursen & Jepsen, 2002). This policy became the ruling strategy in Denmark until 2004.

4.4 Cannabis policy after 2004

In the 1990s a new - and more complex - drug culture evolved in Denmark and new substances appeared in the Danish society. The number of substance users rose in the new century and the image of substance users changed from 'innocent users' to

rational players. This resulted in a shift from seeing the substance users as innocent victims to seeing them as causing problems and maintaining the illicit market. In addition to this increase of the number of substance users, a small amount of drug related deaths among youngsters gave alarming high media coverage and sharpened the focus on the drug debate (Jepsen, 2008). At the same time, Denmark installed a new government in 2001. This new government was shaking the political foundation, because it changed from being ruled by a central left wing party to a right wing party. This resulted in a shift of the Danish drug policy, because the new government saw the new drug culture as a negative result of the soft narcotic policy from the 1960s. They therefore argued that the Danish drug policy had failed (Houborg, 2010).

The Danish government abruptly initiated a tougher policy for those using and selling illegal substances. It started in 2004 when the Danish government changed its political strategy towards illegal substances. Firstly, the Danish government started criminalising the possession of substances once again. This strategy was last seen 35 years before. Secondly, the Danish government increased the penalties for possession of cannabis and other illegal substances in 2007. The penalties for the possession of up to 10 gram cannabis changed from EUR 67 in 2004 to EUR 269 in 2007. Thirdly, the Danish government aimed at closing Pusher Street and introducing the hash club legislation (Justitsministeriet, 2007 and Møller, 2011). These developments showed that the Danish government therefore joined the international war on drugs and introduced a zero tolerance towards illegal substances during the 2000s. Through this shift, the Danish government wanted to send out a clear message to the Danish population that usage of illegal substances was not a tolerated behaviour.

This tougher policy was in particular stressed out by the Minister of Justice at the time. She argued that the earlier soft line in drugs in Denmark was unacceptable and that the new zero tolerance policy would be sending the right signals (Houborg, 2010 and Jepsen, 2008). In connection to this shift, the government's new action plan was described in the publications *The Fight against Drugs I and II* (2003 & 2010). These publications focused on a tighter legalisation but recognised the need for treatment, treatment guarantees and so forth.

4.5 Cannabis in the Danish society today

Sundhedsstyrelsen (2011) estimated that 41,5 % of all Danish citizens between the age 16-44 have tried cannabis at least once in their life and 8,9 % have tried it within the last year. It is therefore relevant to question the impact of the Danish drug policy, because the Danish population accounts for approximately 5,5 million people which means that 2,2 million Danish citizens have tried cannabis during their life and 489.500 citizens have tried it within the last year.

The impact of the zero tolerance approach is also questioned on an international level, because since the UN Conventions and President Nixon declared the war on drugs in 1971, more knowledge has been obtained about drugs and the harmful effects. This has started discussions about the ruling drug policy both internationally as well as in Denmark.

4.6 Conclusion

It effected a large part of the Danish population when possession of cannabis – and other illegal substances - was criminalised in 2004. First of all, because the number of Danes who had used cannabis within the last year illustrates why the debate regarding legalising cannabis is still very relevant today. That is why it is important to keep raising questions whether Denmark applies the cannabis policy in the best interest. Secondly, the number also illustrates how large the part is of the Danish population that has been effected by the previous governments' decisions regarding criminalising cannabis for own possession. Thirdly, since the 1970s we have obtained a large body of knowledge that critically questions the ruling path of international and national legalisation. The new knowledge points out that it is not given that the *zero tolerance* strategy is the most beneficial strategy.

We should therefore understand the legalisation proposal by the Copenhagen Council in combination with all these international and national developments. These developments are important to understand, because the Copenhagen Council has been highly effected by the consequences of the shift in the Danish drug policy.

5. THE FOUR DISCOURSES

This chapter consists of four central discourses. These discourses are used by respectively proponents and opponents of the legalisation in order to articulate legalisation in a particular perspective. This has been done in order to support their position in regard to the latest proposal. The analysis also refers to other types of discourses, but the main areas of attention are summarised below. These four discourses are believed to be the most significant in the empirical material regarding the legalisation of cannabis in Copenhagen. These discourses have shown themselves clearly in the material, because they were not selected in advance. That is the reason why the discourses are supported by the material, because my preliminary thoughts regarding discourses at stake did not show themselves significant in the empirical material such as economic calculations.

The four discourses are:

1. Legalisation of cannabis seen as crime prevention
2. Legalisation of cannabis as moral decay
3. Legalisation of cannabis seen as health prevention
4. Legalisation of cannabis seen as health damaging

The following sub-chapters describe how these four discourses of the Copenhagen legalisation proposal show themselves in the empirical material.

5.1 Legalisation of cannabis seen as crime prevention

Within the Danish political debate, politicians often articulate the legalisation of cannabis seen as a way to prevent crime (Socialforvaltningen, 2012a and Warming, 2012b). The ones focusing on crime prevention see the interconnectivity between illegal cannabis and crime. They state that decriminalisation can tackle the drug-related crime more beneficial than prohibition strategies. This way of interpreting legalisation as a mean to reduce crime is scientific supported (Møller, 2006 and

Manniche & Wolf, 1969). In addition, strong international stakeholders support this discourse. The Global Commission on Drug Policy² states:

“Encourage experimentation by governments with models of legal regulation of drugs to undermine the power of organized crime... This recommendation applies especially to cannabis...” (The Global Commission on Drug Policy, 2011, p. 2)

The first argument for the legalisation of cannabis stated by the Copenhagen Council was about crime prevention. The Copenhagen Council argued that Copenhagen was being faced with an increase in gang-related violence due to the fight for the cannabis market (Møller, 2006 and Asmussen, 2008). The Copenhagen Council was concerned about this development and started linking the increased gang-related violence with the failed zero tolerance policy that the Danish right wing government enforced since 2004 (Ege, 2012 & Warming, 2012c).

In March 2009, one of the initiators of the Copenhagen Proposal stated:

“I do not understand why so little concern is being offered at creating safety for our citizens... It [legalisation of cannabis] is about trying to reduce a large part of the market away from the gangs. I am not saying that it is the whole market: I am not saying that it is an universal solution, but think if it could help minimising the shootings in the streets of Copenhagen...” (Folketinget, 2008-2009, no. 74, Simon Ammitzbøl, party member of Liberal Alliance)

This discourse highlights that legalisation of cannabis can be seen as a way to create safety in the streets of Copenhagen and to reduce crime by removing the financial foundation for the criminals. This argument has been used as a central point throughout the whole process for legalisation as a way to prevent crime.

The second argument for legislation as crime prevention states that legalisation of cannabis will reduce crime in general. The Mayor of Social Affairs in Copenhagen Council, Mikkel Warming, states this as follow:

“And by legalising it [cannabis] we pull the blanket underneath the feet of the criminal

2

The Global Commission on Drug Policy is an initiative taken by highly influenced people mainly former presidents, who have great experience of leading countries with major drug related problems

gangs...” (Warming, 2012c: 1)

The ones who refer to this argument use legalisation as a tool that enables the state to control a large part of the cannabis market instead of criminals. By removing parts of the cannabis market from the criminals, it is believed that a lot of minor criminal jobs - such as the small term dealer, the drug courier and the 'street watcher' - will disappear. In this respect, Ege states (2012) that the majority of small scale crime would disappear with a legalisation as one only become criminal if legal doors close and alternative (more efficient) criminal doors open.

The third argument for legalisation as crime prevention states that many 'normal' users, who do not necessarily consider their cannabis smoking as an criminal act and who do not necessarily pose a problem for the society will be decriminalize. Data (Breaking the Taboo, 2012) indicates that 90 % of the worlds cannabis users do not have a problematic usage and do not cause problems for the society. However, due to the zero tolerance policy, cannabis users are considered to break the law and therefore can risk imprisonment (Breaking the Taboo, 2012). This way of criminalising the 'normal' users has been a central theme in the shaping of the Danish drug policy until the 2000s (Houborg, 2008 & 2010 and Laursen & Jepsen, 2002). By legalising cannabis, the non-problematic cannabis users can be an accepted part of the society. Additionally, the government can improve its ability to regulate and control the market instead of the criminals. This will then minimise the availability of cannabis due to the higher control and positive regulation.

As is stated by one of the leading left wing politicians:

“Cannabis is here for good, and we might as well take the consequences of this” (Velkommen til virkeligheden – Johanne i hashtågen, 2012, Statement from spokesman Johanne Schmidt-Nielsen from the Red-Green Alliance after 02:01 minutes)

5.2 Legalisation of cannabis as a moral decay

Within the political debate, people also articulate moral aspects of legalising cannabis. This discourse is predominant in the legalisation debate of Copenhagen. The focus of this discourse is that the cannabis issue should be tackled through law

enforcement, increased police efforts and (indirectly) setting the rules for what is moral and immoral behaviour (Rock, 2002). The legalisation of cannabis within this discourse, however, is perceived as moral condemnable. Morality is understood as the differentiation of intentions, decisions and actions between those that are good and those that are bad - or put in another way – that are right and wrong. This differentiation between right and wrong is central for the legalisation debate in Copenhagen. This will be demonstrated in this subchapter. However, before demonstrating how legalisation is articulated as a moral decay, I first introduce Becker's theory on moral entrepreneurs as background information.

The sociologist Howard Becker (1963) uses the expression *moral entrepreneurs*. Moral entrepreneurs take the responsibility to tell us as a society how we should define *the reality* of drugs and its users. The *reality* includes how much we should be threatened by it and how we as a society should react on that threat. Furthermore, it includes that the definition and implementation of drug policies are a moral and political enterprise. When moral entrepreneurs want to achieve their goal they can create subjective shocking stories about particular drugs.

In the U.S., for example, cannabis was relatively acceptable in the 1930s. It was estimated that there were around 500 established coffee shops - some in gentlemen's clubs. However, stories started connecting cannabis with crime and Mexican immigrants which resulted in increased concern over the cannabis usage. This released a public concern and, as a result, the Marihuana Tax Act was implemented in 1937. This meant that these subjective stories enabled the moral entrepreneurs to implement their desired drug policy (Faupel *et al.*, 2010).

Despite the extensive knowledge about cannabis and the consequences of its usage, international and national narcotic policies are often subject to normative judgements (Faupel *et al.*, 2010). These normative judgments serve in some ways great convenience, because moral has helped shaping the modern society. Jørgensen and Phillip (1999) argue that human beings are born into a time-frame and influenced by the historical context in which they are born. That is why the stakeholders in this case

thesis cannot remove themselves from the moral context through which they have been influenced. Morality therefore becomes a premise for all discourses as well as it has demonstrated to be its own discourse.

The following subchapter demonstrates how the Danish politicians against a legalisation of cannabis might have taken an influential role as moral entrepreneurs within the debate.

5.2.1 Is alcohol a moral decay?

The ones who articulate legalisation as a moral decay do not see any compatibility between alcohol and cannabis. The fact that they believe that alcohol and cannabis are not comparable demonstrates that it is a moral judgement as alcohol has been proven to be as health damaging – or even worse – than cannabis (Nutt *et al.*, 2007 and BBC, 2010). This indicates that the ones who articulate legalisation as a moral decay conduct a qualitative distinction that builds on a moral foundation. They state that alcohol teaches you a lesson in which cannabis does not:

“...Then you just get a smashing headache, and it teaches you a lesson, so that you are more careful the next time. It is a completely other drug, we are talking about...” (Folketinget, 2008-2009, no. 112, Tom Behnke, party member of Conservative People's Party)

Other statements that support legalisation of cannabis as a moral decay can also be detected:

“It is my appeal to those people, well functioning, healthy, reasonable people: Put yourself together, do not buy cannabis. That is the road to walk” (Folketinget, 2008-2009, no. 116, Tom Behnke, party member of Conservative People's Party)

It is hard to imagine to have fierce statements about alcohol – even though alcohol objectively is as dangerous as cannabis. This has to do with the status of alcohol. Alcohol is morally accepted in Danish society. National drug policies are therefore often based on the nation's historical and cultural understanding and assumptions regarding both legal and illegal substances. This can explain the difference between the acceptance of alcohol and cannabis in Denmark (Goldberg, 2004). The Minister of Justice also rejects the mere thought of criminalising alcohol without further

explanation. He instead argues that:

“...everybody should stop talking in positive terms about cannabis as a substance, but in stead remind people who buy it [cannabis] that it only benefits one place; and that is around those gold chains that the criminals is wearing...” (Samrådsmøde, 2012, Morten Bødskov, Minister of Justice, after 20:46 minutes).

This is a statement that – in itself – can hold a normative element as well.

5.2.2 Moral decay in Danish drug policy

Critics of the legalisation proposal often place themselves within a moral discourse in which they define legalisation as a moral decay. The analysed materials refer to moral decay directly as well as indirectly. Generally, it is argued that the usage of cannabis is an unacceptable deed in the Danish society. It is a discourse that has been supported by the Danish government. The government's report *The Fight against Drugs II* (2010, p. 5) states:

“Drug policy rest upon the prohibition against every none-medical and none-scientific usage of narcotics. This has been the main line in the current Danish drug policy. It is a line that the government wishes to maintain...”

In addition, the government states in *Fight against Drugs II* (2010, p. 39) that:

“With these changes [harder criminal offences] in the law the fight on drugs has increased, and a clear message has been send, that any possession or trade with euphoric drugs is illegal and has clear criminal consequences”

The mere title *Fight against Drugs* holds a normative element in itself. It indicates that the usage of drugs is an 'evil' that everybody should logically agree on to eradicate from society.

In respect to the latest proposal issued by the Copenhagen Council, this discourse underlines that legalisation is seen as an unacceptable mean to solve gang related crime. It is believed that society must take other actions in order to solve the cannabis issue. This discourse articulates, on one hand, that it can achieve its goal by enforcing the police attention and strengthening the laws. Legalisation, on the other hand, is seen as a solution that undermines the system of justice:

“It is important, that we in Denmark maintain, that we live in a society of justice. If one starts to decriminalise some things out of the considerations that the criminals is breaking the law no mater what, yes, then we are just adjusting the criminals unreasonable actions. And then we no longer have anything called a system of justice. Yeah, if we just legalised everything then there was no longer something called crime. But that is not how a society of justice works.” (Folketinget, 2008-2009, no. 64, Marlene Harpøe, spokesman of Danish People's Party)

This discourse highlights that criminalisation in itself has a discouraging effect and sends a clear message to both criminals and users. Hence, legalisation is seen as a mean that will naturally increase the usage and the availability of cannabis. In the political debate from 2008/2009 a ruling argument was:

“When hash and cannabis is forbidden, it creates a discouraging effect in itself, and therefore will legalised cannabis increase the numbers of users and thereby also misusers” (Folketinget, 2008-2009, no. 58, Flemming Møller Mortensen, spokesman of the Social Democrats)

In conclusion, legalisation as a moral decay becomes the central discourse for those against a legalisation of cannabis, because they perceive the usage of cannabis as an unacceptable deed which cannot be accepted by society. They do not consider the usage of alcohol comparable to cannabis, because they do not consider consumption of alcohol to be *morally wrong*. The ones against the proposal argue that a legalisation of cannabis will undermine the whole system of justice and that it will only be a step towards lawless conditions. Hence, they try to maintain the wall of prohibition. Furthermore, they argue that a legalisation will increase the usage of cannabis. In their terminology it will always be unaccepted and a criminal act to use cannabis and therefore legalisation of cannabis becomes 'crime promoting' as more users would create more crime in their eyes. This despite evidence that legalisation is not linked with increased usage (O'Malley & Mugford, 1994 and Reinerman *et al.*, 2004). However, in the eyes of those against legalisation the usage of cannabis will always be a moral evil. The core of their argumentation thereby rest on moral terms. They therefore become the moral entrepreneurs of the Danish society.

The term 'crime promotion' will be used throughout the analysis in the next chapter.

5.3 Legalisation of cannabis seen as health prevention

A third strong discourse in the political debate emphasises legalisation of cannabis as a mean to health prevention. Discourses regarding health issues are used by both the advocates as well as the opponent of the legalisation of cannabis. They, however, apply health issues very differently. This subchapter describes how the discourse shows itself when legalisation is seen as health prevention.

The damaging effects of smoking cannabis and how to best prevent these damaging effects have been part of the international and national debate for at least the last fifty years. In Denmark – as well as in other countries - the matter of health issues has weighted high. During the 1960s, when Denmark had a hard-fought debate regarding legalising cannabis, the psychical consequences of cannabis were a major issue. At the end of the debate, the psychical damages by cannabis smoking weighted very high in the Danish Parliament. This led to a continuation of cannabis as being classified as a very dangerous drug (Houborg & Vammen, 2012 and Jepsen, 1966).

Legalisation as a mean to prevent health damages acknowledges the risk connected to smoking cannabis, but mainly when smoking heavily. The level of damages of cannabis and alcohol is estimated equal. It is stated that this has been well documented by scientist and professionals within the field. The previous Chief Social Doctor of the Copenhagen Council Ege (2012, p. 7) states:

“When cannabis is not more dangerous than alcohol to judge in all probability, and by all the statements from experts it is inconsistent to maintain it [prohibition strategy], right?”

Legalisation is in this discourse interpreted as an attempt to reduce the negative effects of cannabis usage by being able to use other measurements than control to minimise the negative effects by cannabis (Reinarman *et al.*, 2004 and MacCoun & Reuter, 2001). Furthermore, scientists criticise governments for ignoring the needs of the drug users hereunder the negative health consequences, because it is too political risky to conduct a drug policy that does not support the international war on drugs (Nadelmann, 1999). Scientific data support the Copenhagen Council when they argue (Socialforvaltningen, 2012a and Warming, 2012a) that a legalisation to some extend enables them to distinguish cannabis from harder (more dangerous) drugs and that a

legalisation makes cannabis less available among especially the adolescent. This, for example, can be done by applying a minimum age at governmental shops or creating a broader public knowledge about cannabis. Warming (Socialforvaltningen, 2012b, p. 1) highlights this in a letter to the Minister of Justice:

“The proposal regarding legalisation should be seen as an attempt to minimise the damaging effects of the drug for the individual and society most possible...”

To sum it up, the main idea behind legalisation as a way for health prevention is that when so many people use cannabis – and cannabis cannot be excluded from society even though many have attempted it for many years - why not making a strategy that make the market more governmental controlled. This enables the government to conduct preventive and harm reductive initiatives that have positive effects on the health.

5.4 Legalisation of cannabis seen as health damaging

A fourth strong discourse in the political debate emphasises legalisation of cannabis as a mean to damage health. In this discourse there is more focus on prohibition strategies, because cannabis smoking is combined with a row of negative health and learning risks. This discourse follows the view that the things that are dangerous should be criminalised. Since cannabis is dangerous it should therefore be illegal. In this respect, a legalisation would send out a wrong signal. Furthermore, they argue that the risk of cannabis and alcohol is not comparable as cannabis releases psychoses, which alcohol does not (Folketinget, 2008-2009, no. 64, 68 & 72).

“... alcohol can also have it's damaging effects, but the benefit with alcohol is that is water-soluble. It is simply out of the body after 24 hours. Then you are left over with a smashing head ache...” (Folketinget, 2008-2009, no. 112, Tom Behnke, party member of Conservative People's Party)

The previous and the current Danish government follow a qualitative difference between alcohol and cannabis, because they aim at justifying the criminalisation of cannabis while alcohol is legal. Despite the fact that both substances are damaging for the health, they argue that one should be criminalised while the other substance should be legal. This qualitative difference between alcohol and cannabis is

questioned by many experts (Nutt *et al.*, 2007 and Breaking the Taboo, 2012). In that respect the government's argumentation can seem insufficient and be interpreted as moral judgements as argued in sub chapter 5.2.1.

In the proposal's rejection letter from the Minister of Justice, the main argumentation highlights the health risk combined with legalised cannabis. The Minister states that cannabis on a short term can cause panic and anxiety attacks as well as learning disabilities. It furthermore increases the risk of traffic accidents. On a long term, it can cause lung cancer and an increased risk of mental illnesses.

“The background for the current prohibition against cannabis is mainly based upon the health professional estimation that cannabis is connected with a row of health damaging effects”
(Justitsministeriet, 2012, p. 3)

These statements are supported in the government's publications Fight against Drugs I and II (2003 and 2010). These publications state that cannabis is damaging for the health and that a criminalisation of cannabis will prevent people from using cannabis. In 2003 the government stated in The Fight against Drugs (2003) that only 5% of the adult population had used cannabis within the latest years, whereupon nearly 95 % had used alcohol within the same period. Hence, the legal status of alcohol has increased the usage and therefore they do not see the relevance of legalising another substance. The Danish society does not need more damaging substances. The above statement is a different articulation of maintaining the prohibition strategy towards cannabis than the current government uses. It can therefore be questioned whether the statement from 2003 is due to the legality and illegality of alcohol and cannabis or whether it is due to Denmark's cultural and historical usage of referable alcohol and cannabis (Goldberg, 2004).

5.5 Conclusion

Two central issues are detected in the material regarding the proposal by the Copenhagen Council. Firstly, in the described discourses the stakeholders often articulate the same types of arguments for two opposite discourses. Secondly, the apparent evidence based terminology in some cases covers moral judgement above

factual estimations.

This chapter constructed the patterns in the analysed material. The next chapter will analyse how the constructed discourses are being used in the political debate regarding legalisation in Copenhagen.

6. ANALYSIS

The described discourses in the previous chapter illustrate that both sides of the political parties articulate within the health and crime areas with regard to the legalisation of cannabis. They are interested in minimising cannabis related crime and lowering the damaging effects of cannabis usage. However, they strongly disagree how to achieve this. It is also worth noting that these discourses are also the central discourses in the material regarding the proposal from 2008/2009 until the treatment of the second proposal. This illustrates that the core of the concrete political debate with regard to legalisation of cannabis is whether legalisation should be interpreted as health damaging and crime promotion or the opposite.

The issues of how we best can minimise the cannabis related crime and lower the damaging effects of cannabis usage have been on the political as well as public debate for decades both on an international, national and local level (Laursen & Jepsen, 2002, Nadelmann, 1999 and MacCoun & Reuter, 2001). We know from earlier chapters that large parts of drug policy and the classification of drugs' potential dangers have been conducted based on morality and historical coincidences above scientific estimations (Faupel, 2010 and O'Mally & Mugford, 1994).

This analysis demonstrates that the discourses that approach legalisation as a moral decay – and which eventually will result in 'crime promoting' and health damaging – are the hegemonic discourses. This means that these discourses are mostly accepted on an international, national and local level and politically chosen as the 'truth' in modern society. The Copenhagen Council's proposal articulates a belief that is the opposite of the ruling hegemonic discourses. It articulates legalisation as a mean to prevent crime and lower the damaging effects of cannabis in which is supported by major parts of the scientific environment (O'Mally & Mugford, 1994 and Reinerman *et al.*, 2004, Nadelmann, 1999 and Laursen & Jepsen, 2002). As we know from chapter 3 the proposal was quickly dismissed by the Danish government. This will be understood through the context that the articulation by Copenhagen Council stand in an antagonistic relationship with the ruling discourse in the Danish government.

This chapter firstly aims at analysing the hegemonic discourses in a historical and international context. This will result in a description of how this effects the proposal raised by the Copenhagen Council. Secondly, it aims to understanding how the hegemonic discourse can be challenged by the Copenhagen proposal. Thirdly, and finally, it illuminates which factors are at stake in order to 'win the battle' with regard to the concrete proposal.

6.1 The hegemonic discourses

This subchapter demonstrates how legalisation as health damaging and as a moral decay in light of 'crime promoting' have become the ruling discourses through history both internationally, nationally and locally. As a consequence, it looks at how these discourses have been evolved and chosen as the common 'truth' and, thereby, the ruling hegemonic discourse in large parts of the international society. I acknowledge that other hegemonic discourses have also been at stake through history, however, as mentioned in the previous chapter, I believe that legalisation seen as health damaging and crime promotion is at the core of the political debate.

In earlier chapters it already has been mentioned how moral entrepreneurs in general and how the U.S. in particular have influenced the modern worlds of drug policy. It has influenced the way we classify different drugs and how we as a society accept and tackle the drug issues (O'Malley, 2007 and Faupel, 2010). This following sub-chapters will elaborate on how the hegemonic discourses has 'manoeuvred' its way in international and, subsequently, in national and local policies. Additionally, these sub-chapter elaborate on how Danish politicians after years of persistence have chosen to conduct a drug policy in line with the ruling discourses within the last decade.

6.1.1 The UN Conventions impact on modern drug policy

Laclau and Mouffe (Jørgensen & Phillips, 1999) argue that the political process is the most important factor in discourse theory, because the political agenda often tend to set the overall discourses in society. The shaping of The Single Convention on Narcotic Drugs required nearly fifty years of negotiations led by the U.S. When the treaty finally was accepted it became the culmination of the long process that in significant ways had shaped the international field of drug policy and classified drugs'

dangers and harms. The complexity of shaping the treaty was due to the clash in the global scene. This clash was a result of the differences in cultural constructions, morality, attitude towards drugs *etc.* Nevertheless, the Convention needed to have a broad alignment in order to become successful (Bewley-Taylor, 1999 and McAllister, 2000). The main areas of concern in the Convention were the health damages caused by drugs - estimated by the World Health Organization (WHO) – and the control of illicit drugs. With regard to health damages and categorisation of drugs, it is worth repeating that cannabis was placed on list 1.

As Laclau and Mouffe state, the political scene mainly determined which discourses would rule in society. That's why the Single Convention together with its two successive conventions laid the foundation for international drug policy and the classification of drugs status. In the UN Single Convention (1961, p. 12) it is stated that:

“ Recalling that the Preamble to the Single Convention on Narcotic Drugs, 1961, states that the Parties to the Convention are “concerned with the health and welfare of mankind” and are “conscious of their duty to prevent and combat” the evil of drug addiction. “

Furthermore, that:

“Recommends that the Parties: ... Should do everything in their power to combat the spread of the illicit use of drugs”

These statements have enabled the UN to pressure states to sign the Convention and comply with the legislative ideals as no nations wants to be labelled as a threat to humankind (Bewley-Taylor, 1999).

6.1.2 The Danish response to international drug policy

The international determination to exclude cannabis from society has effected Danish drug policy. Even though the usage of cannabis within Europe – and Scandinavia – was fairly limited until the 1960s, one of the most remarkable results of The Single Conventions and the international regime of drug policy has been the creation of a massive illicit drug market (McAllister, 2000).

In Europe and in Denmark it was broadly questioned whether cannabis should have been labelled as illicit, because there was an insecurity about the real damaging effect, the medical usage and the widespread of cannabis in society. Nonetheless, cannabis was at the end included in The Single Conventions list 1 which was also signed by Denmark (Jepsen, 1966).

After the implementation of The Single Convention, the main concern in Denmark was whether or not cannabis was health damaging and crime promoting (Jepsen, 1966). This concern led to a serious debate in Denmark regarding the position of cannabis in the Danish society in the 1960s. The main articulations during the debate was about what kind of drug cannabis was, how dangerous it was, and who and how many used it (Houborg & Vammen, 2012). This debate led to a de-penalization in 1969, which became the ruling cannabis policy in Denmark until 2004 – despite the fact that Denmark had signed The Single Convention. The ruling discourse in Denmark of the 1960s was in parts in an antagonistic relationship with the overall international discourse, however, still modified as drugs were not legalised solely de-penalized. Nonetheless, Denmark was determined to keep its international obligations even though the majority of the Danish government articulated a different focus on the cannabis issue than the U.S. in particular had in mind.

“Before the 1955 legislation regarding euphoric drugs whereupon the current control system was remarkable intensified cannabis was not a problem in Denmark, and the requirement in the law has for this particular drug [cannabis] merely been for a preventive effect and in order for Denmark to keep its obligations in regard to international conventions” (Jepsen, 1966, p. 188)

Despite the UN Convention and the international intensified focus on the war on drugs, Denmark kept its relatively liberal position until 2001. In that year Denmark experienced a governmental shift. As a result, the ruling drug policy changed significantly as the Danish government chose to join the zero tolerance strategy as stated in chapter 4.4 (Laursen & Jepsen, 2002 and Houborg *et al.*, 2008). The Minister of Justice at the time, Lene Espersen, stated that:

“The government is serious when we say that the fight on Drugs needs to be intensified. There is a need for a change of attitude among the population in order for all citizens to be aware of

the damaging effects. Through this, the population and in particular the youngsters will not be included in the [drug] environment and in that way ruin their life and existence ...”
(Folketingstidende 2003-2004: 7659. Minister of Justice Lene Espersen, Conservative)

This was a general supported statement among the new government and in line with their consequent policy where judicial policy was a central element (Houborg, 2011).

With regard to legalisation of cannabis, the Danish government underlined that a legalisation would be against UN conventions and articulated all the damaging effects caused by cannabis usage.

6.1.3 Danish drug policy impact on the Copenhagen Council's proposal

The Danish government has chosen to rely on the international ruling hegemonic discourse of the zero tolerance in order to support and enable their own drug policy. As former Minister of Justice Espersen stated this creates an attitude change among the population that support their policy. The governments main articulation of zero tolerance has resulted in the fact that drug related problems are now considered one of the most severe social problems among the Danish population (Laursen & Jepsen, 2002). This means that the Danish population is very conscious about the drug issue, however, not necessarily agreeing with the governments political line.

Furthermore, the Danish government has been very keen on maintaining the prohibition against cannabis, which logically affects the proposal raised by Copenhagen Council.

It is hard to distinguish whether the Copenhagen Council consciously or unconsciously articulated legalisation as a mean to prevent health damages and crime – which are the same central discourses as the international society and the Danish government articulates, but with different outcomes. However, it does seem wise that the Copenhagen Council puts a big effort in pushing the legalisation agenda these years. This is due to the fact that the quicker the 'hegemonic' discourse in Denmark is being questioned the easier it might be to change it. Denmark only followed the international hegemonic discourse since 2001. It therefore might impact the change when immediately questioning whether this is the best solution in Denmark. The non-

established truth about cannabis as health damaging and crime promotion can also be an explanation why the Netherlands could establish their liberal cannabis policy in 1976 (Reinarman *et al.*, 2004).

6.1.4 Summary of the hegemonic discourse

In summary, the changes that the previous right wing Danish government wanted to initiate internationally was in line with the ruling discourse. In that respect the right wing government could easily lean on international recommendations and practises. The objective of the Danish government was to create a society based on social, cultural and moral solidarity in which drug usage was not included (Houborg, 2011). Jørgensen & Phillips (1999) argue that the implementation of a discourse in society takes time because a discourse is historically and culturally founded. This is also the case in Denmark. However, it is important to highlight that it was the Danish government that chose to follow and make use of the ruling international discourse back in 2001. It was not the case that the international ruling hegemonic discourse gradually manoeuvred its way into the Danish drug policy. It was rather an active choice from the Danish politicians at the time to follow the stricter line in their drug policy. Until 2001 Denmark had maintained its relatively liberal position despite the fact that the international discourses were pointing towards more repressive strategies since the 1960s. After Denmark joined the zero tolerance policy the government's political line towards zero tolerance has been very persistent. Nonetheless, the government's political line is being questioned by the Copenhagen proposal.

Now that I have demonstrated how the hegemonic discourse has 'manoeuvred' its way down on an international and later national and local level, we will move on to the next subchapter. This subchapter illuminates how the Copenhagen proposal challenges the ruling hegemonic discourse.

6.2 The battle of the hegemonic discourse

The legalisation proposal by the Copenhagen Council raises interesting questions regarding the weighting in Danish drug policy between the repressive drug strategies and the social welfare-oriented strategies. The legalisation proposal challenges the current ruling hegemonic discourse in Danish drug policy, because the legislation is

not merely questioning the weighting in drug policy but is also sparking a change in the political procedure of drug policy in Denmark. The noteworthy in this case is that the change in drug policy is initiated by a local municipality above the Danish government. This development has, however, already been seen before in the shaping of Danish drug policy. We will get back to this later in this subchapter. The overall aim of this subchapter is to illustrate how the legalisation proposal challenges the hegemonic discourse in Denmark.

6.2.1 Copenhagen Councils political strategy

The Copenhagen Council proposal has two similar approaches in challenging the hegemonic discourse. The first approach is about ongoing awareness. The legalisation of cannabis has been kept on the political agenda for the last five years since they first proposed a legalisation experiment in Copenhagen. The aim to maintain an ongoing awareness on the political agenda has required the Copenhagen Council to execute a strategy with the aim to find a fine balance between how often Copenhagen can raise the matter without losing credibility. In this respect, Warming argues (2012c) that if Copenhagen raises the issue every year they can lose credibility. The balance is therefore that the Copenhagen Council should raise the issue with a couple of years in between or when new significant information is available regarding cannabis. The second approach is about ongoing debates. The Copenhagen Council has also kept raising the issue in the political as well as the public debate in order to be successful with their proposal as a political strategy (Warming, 2012c). In this context, successful means slowly breaking down the myths and prejudgements regarding legal cannabis among the population and politicians.

Through these two similar approaches, the Copenhagen Council proposal challenges the ruling Danish hegemonic discourse by keeping a persistent focus on the matter. This 'persistence' strategy can be seen as a useful way to challenge the hegemonic discourse and create a paradigm shift in the society. Jørgensen & Phillips (1999) argue that a discourse is established within a cultural and historical time frame and naturally a constant focus on legalisation of cannabis will increase the focus and main articulation about the matter.

Midgley & Livermore (2009) argue that the population is a strong stakeholder in the shaping of a political agenda and, at the end, political decision making. In the wide-distributed newspaper MetroXpress (Sandahl, 2012) an opinion poll conducted by an acknowledged Danish analytic company indicated that 51 % of the Danish population wanted to legalise cannabis, which is significant higher than older polls. Sandahl (2012) argues that the Danish government is being criticised for being 'old-fashioned' in comparison with the general population in the legalisation matter. In this respect, it can be argued that Warming in some ways is correct about his assumption that a constant focus will change the political as well as the public opinion regarding legalising cannabis. Another possible interpretation is that the right wing government never succeeded in changing that attitude towards cannabis in the population.

6.2.2 The turn-around story about the injection rooms

Warming states that the political strategy of ongoing awareness has been successful in introducing a paradigm shift and the change of the ruling drug policy. Warming illustrates this by referring to the injection rooms in Copenhagen. Injection rooms were for many years being rejected by the Danish government, but after years of political debate it was accepted in 2012. Warming (2012c) argues that these injection rooms were part of a proposal raised by the Copenhagen Council since 2001/02 and where he claims that their persistency of keeping it on the political agenda in 2012 resulted in the first approved injection room in Denmark (Ministeriet for Sundhed og Forebyggelse, 2012 and Beim, 2012). Warming states that the same will be the case with the legalisation matter.

Warming's parallel to the Danish injection rooms is, however, not completely comparable with the legalisation proposal. The Danish injection rooms started as a voluntarily project. After proven health benefits in these voluntarily projects as well as the experience from other European countries (Nadelmann, 1999 and Skretting, 2002), the Danish injection rooms were approved (Warming, 2012c and Axelsson *et al.*, 2012). The legalisation proposal holds different challenges as the amount of people effected by a legalisation is significantly bigger than the target group of injection rooms. Furthermore, the main reasoning for approving injection rooms was due to some upfront results regarding health benefits and protection from overdoses.

The same does not fully apply for the legalisation proposal of cannabis, because the main articulation in Denmark is still looking at legalisation as health damaging. Lastly, a legalisation of cannabis requires a change in the Danish legislation as the usage of cannabis is forbidden by law at this point. The injection rooms did not challenge the Danish legislation in the same way.

6.2.3 Does Denmark conduct the most beneficial cannabis policy?

As we established in the previous subchapter, the ruling hegemonic discourse can also be challenged by questioning the current drug policy. The main question is whether or not cannabis is still seen as health damaging and as a moral decay. The strong hegemonic discourse, however, makes it more difficult to change the ruling path as it has a strong impact in Danish society.

The discourses within the legalisation proposal contain strong opponent stakeholders, such as the Ministry of Health, who aim at maintaining the 'wall of prohibition' against cannabis. This aim comes from the belief that a legalisation would enface health damaging cost as well as being a moral decay that would lead to increased crime. Even though this is also the international main articulation – health damaging and a moral decay – a progressive government can still choose to conduct a different main articulation. Portugal has been an example of such a progressive country. Portugal has legalised the possession of drugs for own consumption in 2001. This decision was made due to an increase in overdoses and health damaging consequences together with the belief that legalisation is health promoting (EMCCDA, 2011 and Hughes & Stevens, 2012 and Breaking the Taboo, 2012). This case can learn us that even though there is an international hegemonic discourse, a national government can still choose which direction it wants to go and uses the arguments that fits their desired drug policy. This, however, is not yet the case in Denmark. In Denmark there is still the hegemonic discourse that labels legalisation as health damaging and 'crime promoting'. This despite the fact that scientist state that there is little linkage between a given drug policy and the availability of cannabis. As a consequence, scientists argue that more efforts should be allocated to social – and harm reductive policies that can takes other measurements than restrictive policies in use (Laursen & Jepsen, 2002 and Reinerman & Cohen, 2004).

6.2.4 Political incentives

An explanation, however, to why the Danish government has chosen to maintain a main articulation of legalisation of cannabis as health damaging and 'crime promoting' can be understood throughout the Danish main line in politics since 2001. Since the right wing government was elected in 2001, Denmark increasingly moved towards a more individualistic policy whereupon the individual has the responsibility of his/her own life. With regard to cannabis, the right wing government mainly looked on cannabis users as people choosing to break the law by their cannabis usage. A method to minimise this unwanted behaviour is throughout restrictive policies, which can explain the change in cannabis policy in 2004. This differentiates from the central left government that mainly articulated cannabis as a social problem in which the cannabis users are 'victims' of their situation and where the government need to support the cannabis users by social initiatives.

From the 1960s until 2001 Denmark had mainly been ruled by a central left government that primarily articulated problems as social conditional above individual. However, from 1982-1993 Denmark had a Conservative government. It was during this period that the view of cannabis users changed from being seen as 'innocent users' to 'problem creators' who maintain the illicit market. It can be argued that the right wing policy in the 2000s is a prolongation of the view of cannabis users, which changed during the 1990s. This is a perspective that can explain the previous governments' zero tolerance politic towards cannabis. However, it does not explain why the ruling government rejected the legalisation proposal so firmly. It could be argued that the ruling government just continued with articulating the legalisation from the point of view of a hegemonic discourse: legalisation as health damaging and 'crime promoting'. The quick rejection from the government can also be interpreted through the rationality that there already has been established a change in how society looks upon cannabis and legalisation - at least within the Danish government. This can explain why the central left Danish government so quickly rejected the legalisation proposal.

6.2.5 Summary of the battle of the hegemonic discourse

It can be concluded that the Copenhagen Council's constant focus on legalisation of

cannabis challenges the hegemonic discourse in different ways. However, a way to reduce the impact of this constant focus is to quickly and firmly reject the legalisation proposal as done by the Danish government. This can explain why the previous government did not directly answer the requests from the Copenhagen Council regarding legalising cannabis in 2009 and why, at the second time, the government answered negatively so quickly in 2012. It is, however, worth noting that the government made a clear statement in their action plan *The Fight against Drugs* (2003) regarding why they would not allow a legalisation of cannabis. In order to maintain the hegemonic discourse this is a beneficial method as it states that the request is not worth answering directly. By making a clear political statement in their action plan the government kept prohibition of cannabis as an established truth as argued by Jørgensen & Phillips (1999). Nonetheless, it is notable that the answer that the Danish government gave to the Copenhagen Council in 2012 is a - more or less - exact copy of their statement in *The Fight against Drugs* in 2003.

6.3 How to win the political battle?

It should now be clear that there are many different factors at stake in order to win the political battle regarding legalising cannabis in Copenhagen. In this analysis I have primarily analysed the political process. From this analysis it has become clear that the international as well as the national political focus and attitude impact the matter significantly. Despite the fact that social policies are often formulated and implemented by politicians and their appointed interest groups, the lobby of the media and the public opinion often plays a strong role in the policy making. This has to do with the fact that they can put political pressure on an issue. Political change often requires persistency from strong stakeholders and not least in the implementation phase of a new drug policy (Midgley & Livermore, 2009).

This subchapter is an analysis of which factors are in particular important in order to 'win the battle' regarding the legalisation proposal. Furthermore, this subchapter includes how interest groups have – and probably will – influence the political process.

6.3.1 Stakeholders impact on Copenhagen's proposal

For decades the legalisation of cannabis has in many ways been the centre of attention when talking about international as well as national drug policies. This has to do with the fact that cannabis is the widest spread illegal substance in the world, but also because the harmful effects have been widely questioned throughout decades as newer scientific results show that cannabis is less dangerous than alcohol (Nutt *et al.*, 2007 and BBC, 2010). The fact that cannabis is not more harmful than alcohol may not have been a surprise, but to have the scientific foundations and explanations it is hard to ignore for stakeholders and politicians. Strong international as well as national interest group – among others from the Global Commission on Drugs, Danish private interest groups, local communities and street lawyers – fight to have an open discussion about new (more efficient) drug policies (Global Commission on Drug Policy, 2011 and Gadejuristen, 2012). These interest groups directly and indirectly support the proposal raised by Copenhagen.

The international interest groups can furthermore play a significant role in the Danish proposition regarding cannabis as international winds can influence the Danish drug policy (Ege, 2012). Debate is increasingly ruling in international social medias fighting for the rights to legalise cannabis. Public key figures suddenly appear on the arena of drug policy with strong opinions regarding the alleged failed war on drugs in which the cannabis policy is in particular being questioned. Furthermore, the Global Commission of Drugs has been very active and influential in the legalisation debate. Through their network they have been able to engage influential people – from Bill Clinton to Brad Pitt – in their battle for legalisation through the social media³ as well in their movie (Breaking the Taboo, 2012). The attention on the alleged failed war on drugs as well as the cannabis issue obviously brings focus on the legalisation of cannabis, which directly or indirectly is argued to influence the Danish proposal at least on a long term basis. After the release of the movie Breaking the Taboo, two American States initiated a serious debate regarding legalising cannabis (Breaking the Taboo, 2012). This indicates that strong and persistent stakeholders do influence the legalisation process.

³ Available on Facebook: <http://www.facebook.com/drugreporter?fref=ts> and <http://www.facebook.com/globalcommissionondrugs?fref=ts>

In december 2012, the former president of the United States Bill Clinton (Cirilli, 2012) argued that the war on drugs had failed. It is an interesting development that many of the politicians who now want to change the drug policy with regard to cannabis and the war on drugs swopped side since they themselves were in power (Breaking the Taboo, 2012). This might be due to the fact that not a lot of politicians in power are willing to take the chance by conducting radical changes in drug policies as the consequence can be negative opinion polls and bad media coverage. This is a development that in itself shows how morally loaded the drug debate still is.

6.3.2 The Nordic response to Copenhagen Councils proposal

Not only pro-legislative winds influence the Copenhagen proposal. Denmark's neighbouring country Sweden is not positive regarding a legalisation. This is not a surprise as Sweden are known for their repressive drug – and alcohol policies (Goldberg, 2004). Spokesmen from Sweden have openly pronounced that they do not support a legalisation of cannabis in Copenhagen as they are sure it will effect them. Denmark has always been known to be less restrictive in regard to alcohol - and drug policies than the other Nordic countries. The other Nordic countries are known for their strict drug policies who do not support any kind of legalisation within the area as that is seen as a 'weak policy' (Goldberg, 2004). In this respect, the legalisation proposal challenges the 'neighbour peace'.

6.3.3 Copenhagen Council's strategy

The Copenhagen Council's attempt to break down myths and prejudgements regarding cannabis by persistently keeping cannabis on the political agenda indicates that it is Copenhagen's strategy to win more public support and engage strong interest group – like street lawyers, scientists and other influential people – in their battle to get a permission to conduct their experiment. Furthermore, the Copenhagen Council (Warming, 2012c) is planning to have a conference regarding legalisation of cannabis in the beginning of 2013 in order to maintain focus on the issue among politicians, stakeholders and the population. It can be argued that the Copenhagen Council's strategy to keep having political attention on the legalisation matter is wise, because it can create a change of discourse in the Danish society and among politicians. Furthermore, it is beneficial for the Copenhagen Council that strong stakeholders

keep questioning whether the current cannabis policy is the most beneficial. All in all, the more attention the matter gets, the more demystified it also becomes and the more obvious it becomes that the hegemonic discourses on legalisation are not an unquestionable truth. Its results are already shown in public polls regarding legalisation of cannabis. All in all, factors that slowly challenge the ruling international as well as current Danish hegemonic discourse.

6.3.4 Summary of how to 'win the battle'

As it has been demonstrated, many factors are at stake in order to win the (political) battle regarding legalisation of cannabis in Copenhagen. It is not mere a question regarding the benefits and the disadvantages by legalising cannabis in Copenhagen as both the international as well as national political pressure plays an significant role. In order for the Copenhagen Council to get the permission to conduct their experiment, I do believe, that it enquires a persistent policy as conducted by the Copenhagen Council. Furthermore, it requires a government who dares taking a chance. Lastly, it can be argued that the international society will – directly or indirectly – play a significant role if they become more openminded towards a legalisation of cannabis.

6.4 Conclusion

This chapter has illustrated how the hegemonic discourse has won power throughout time, and how the Danish government has chosen to conduct a drug policy in line with the international ruling hegemonic discourse after years of persistency. Furthermore, it has been demonstrated how the proposal raised by Copenhagen challenges the ruling drug policy in Denmark, and which factors are at stake in order to 'win' the battle regarding the legalisation matter.

This analysis and the information will be used in order to answer the overall research question in the main conclusion, which follows in the next chapter.

7. CONCLUSION

While the Danish drug policy was significantly being tightened in 2000s, the Copenhagen Council has been confronted with major challenges. The tightening of, in particular, the cannabis market resulted in the 'relocation' of the cannabis market and, as a consequence, led to more gang-related violence as criminals fought for the ownership of the cannabis market. As a result, the Copenhagen Council proposed for a legalisation of cannabis.

The Council articulates this legalisation mainly as a mean to health prevention and crime prevention. Firstly, legalisation as health prevention, because it allows a government to conduct other (more beneficial) methods than control such as more public knowledge about cannabis harmful effects which can minimise the damaging effects of cannabis. Secondly, legalisation as crime prevention as many cannabis users do not necessarily consider their usage as problematic and illegal. Furthermore, through a legalisation of cannabis, the Danish government also would enable itself to use resources on the supplier side. These three rationalities are often used by the advocates of a legalisation model, because it is largely supported by scientific terminology and by highly influential stakeholders. These rationalities are not unknown for the Danish society as Denmark was known for its relatively liberal drug policy until 2001. That's why legalisation – or at least de-penalization - was mainly articulated through these rationalities.

Since 2001, however, the Danish government has chosen to install a tougher drug policy. The government spoke against legalisation of cannabis through three direct and indirect rationalities. Firstly, as a mean to increase health damaging effects. Secondly, as a mean to increase crime. Thirdly, an indirect articulation of legalisation of cannabis as a moral decay. Large parts of their argumentation are indirectly build on this belief of moral decay. Actually, large parts of the argumentation regarding the health damaging and crime promoting effects of legalisation are demonstrated to build upon moral beliefs rather than proven facts. This explains why opponents of the legalisation issue refuse to compare alcohol and cannabis despite the fact that alcohol has proven more harmful than cannabis.

These three rationalities are in line with the international hegemonic discourses which have been established more than 50 years ago. It is clear that it was easier fifty years ago than it is today to articulate legalisation as an approach that would increase crime and health damages due to increased knowledge within the field of today. However, the new body of knowledge now questions these alleged correlations. That is why it has been convenient for those articulating legalisation as health damaging and 'crime promoting' that this hegemonic discourse have been established years ago.

Nonetheless, within the last decade, the Danish government has adopted the international hegemonic discourse in the Danish society as it fitted their desired drug policy and beliefs. As a result, the international discourse has won more acceptance in the Danish society and in the Danish government.

In order to understand the rejection from the Danish government we need to look upon these rationalities in a historical and social context. Before 2001, the war on drugs and the zero tolerance policy were not largely implemented as a strategy in Denmark. However, after 2001 the Danish government chose to join this international ruling discourse. Even though the persistent impact from the international society and Nixon's war on drugs may have influenced the Danish drug policy, it is important to stress out that it was the Danish government who actively chose to follow the international ruling discourse as it fitted their political strategy. From 2001, the Danish government was *fed up* with the 'soft' drug policy and wanted to change the public opinion on youngsters using drugs from *innocent victims* to *rational players* supporting the illegal market. A prolongation of the articulations that the early 1990s right wing government had started.

The government wanted to send out a clear message. This message was that the usage of illegal substances was not an accepted behaviour in the Danish society. The cannabis users in particular became a symbol of the carelessness towards the execution of this law, because they were mainly not misusers but merely using cannabis for *fun*. Furthermore, cannabis was the widest distributed drug and to some extend still represented a *free spirit*.

Pusher Street and the Hash clubs also become a symbol of the disregard towards execution of the law. It became increasingly important for the government to demonstrate that they were in control – rather than the criminals – and that it had consequences if one supported the illegal market.

The government did, however, acknowledge that some became addicted of drugs. The drug addicts were not in the same degree the target group of the new tough drug policy. The target group was the part who used drugs occasionally for the fun. That explains why the government introduced treatment guarantees and later made a legislative distinguish between protecting those addicted to drugs from punishment contra the normal 'users'. This can also explain why the injection rooms was finally accepted in 2012 as the target group for this initiative was small and addicted to a drug contrary those using cannabis for the fun.

This political line has increasingly won acceptance in Danish politic. This can explain why it becomes increasingly more difficult to try new initiatives especially in regards to cannabis as so many resources has been allocated to the cannabis control area. In that respect an allowance of legalisation of cannabis would appear like a failure of the last decades drug politic.

The Copenhagen Council's political strategy has been very persistent. The Copenhagen Council consciously executed a two-folded strategy in order to change the political and public opinion about the legalisation of cannabis. On the one hand, by raising ongoing political awareness and, on the other hand, by maintaining ongoing debates in the public arena. This, in order to change the mindset of the political as well as the public opinion regarding the cannabis legalisation issue. This strategy is beneficial as it slowly might changes the mindset of the political as well as public. The results from this strategy may show itself through the latest public opinion polls regarding legalisation of cannabis where a majority of the Danes want to legalise cannabis. Furthermore, the fact that Denmark has mainly had a liberal drug policy and only a tougher drug policy within the latest decade can also be argued to play a role. As a consequence, it can be argued that it will be easier to conduct a

change of course in Denmark than in *e.g.* Sweden who have always had a tough drug policy both in regard to licit and illicit drugs. In particular if the legalisation proposal is directly and indirectly supported by the Danish population and stakeholders from the international, national and local society. However, it does require a persistent strategy to change the current ruling discourse and a courageous government. And a courages government in charge is not easily found, because not many politicians in power are willing to risk their reputation and be blamed if the experiment of legalisation of cannabis fails. A fact that in itself indicates how morally loaded the shaping and execution of drug policy to this date is.

Articulation – both political and within the public - of cannabis as health damaging and morally condemnable through the last decade has resulted in the establishment of this as the main hegemonic discourse in Denmark. The establishment of the hegemonic discourse might explain why the current central left government still firmly rejects all the ideas captured in the legalisation of cannabis. It might also explain why the same government chose to copy and paste the argumentation for rejection of the legalisation from 2003 in the latest rejection from 2012. This despite the fact that a decade had passed and new knowledge was obtained such as the harms of alcohol is more severe than cannabis. As a result, it becomes clear that the discourse that articulates legalisation of cannabis as health damaging and 'crime promotive' is an established hegemonic discourse in Danish politic. However, it is not necessarily an accepted discourse in all parts of the Danish society and therefore it may still be possible to question the hegemonic discourse in Denmark – and thereby make room for new ways of tackling drug problems in the Danish society.

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